

Remarks/Arguments

Reconsideration of this application, as amended, is respectfully requested.

Claims 1 and 3-8 are pending in this application.

Claims 1 and 3-8 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for the reason that the Examiner deems "seizes", as used in claim 1, to be unclear. While applicant believes that those skilled in the art would know what "seizes" means in the context of the claim, applicant, nevertheless, has amended the specification and claim 1 in a manner thought to make it abundantly clear that the rotating bale, together with the bale forming elements, cause the wrapping material to be carried about by the rotating bale so as to wrap the bale. Thus, claims 1 and 3-8 are thought to definite.

Claims 1 and 3-8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kluver et al. in view of Spatafora. It is respectfully submitted that this rejection is in error as the teaching of Spatafora is not directed to sensing the presence of wrapping on the surface of a wrapped product, as required by claim 1, but rather relates to sensing whether or not a heat welded seam is properly made in wrapping material encasing a product, with there being not thought expressed in Spatafora regarding the total absence of wrapping material from the product..

Therefore, it would not have been obvious to one skilled in the art to have considered Spatafora as a teaching for sensing the presence of wrapping material on the surface of a bale since the sensing device of Spatafora is for a completely different purpose. Furthermore, it is not seen how the sensing device 1 of Spatafora could be used to sense whether or not wrapping material is on the surface of a bale since the device relies on the presence of a seam (see junction 20 in FIG. 2) for applying pressure to the feeler 8 for an indication of proper sealing. No such seam is ever present in applicants' claimed wrapping device. Thus, claim 1 is thought allowable. Claims 3-8 depend either directly or indirectly from claim 1 and are likewise thought allowable.

As concerns the comments made by the Examiner respecting the application of Kluver et al. for finding obvious the sensors set forth in claims 3-5, it is not seen how the wrap material feed sensor 58 of Kluver et al. would have made obvious sensors for detecting the presence of wrapping material **on the surface** of the bale,

as claimed. Applicants' claimed invention is for the purpose of determining whether or not a malfunction has occurred which results in the wrapping material not being properly wrapped about the bale, although wrapping material is present to do so. In other words, even if the Kluver et al. sensor indicates that material is being fed toward the baling chamber does not mean that the material actually ends up wrapped on the bale surface as intended.

In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested.

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Respectfully,

  
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